

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

P.O. Box 419064, Rancho Cordova, CA 95741-9064



October 22, 2004

CSSIN LETTER: 04-24

ALL IV-D DIRECTORS  
ALL COUNTY ADMINISTRATIVE OFFICERS  
ALL BOARDS OF SUPERVISORS

SUBJECT: FEDERAL REGISTER FINAL RULE – TITLE 45 CFR PARTS 74 AND 92

The purpose of this letter is to notify local child support agencies (LCSAs) that the uniform administrative requirements for states, local governments, and indian tribal governments have been removed from Title 45 Code of Federal Regulations (CFR), Part 74 and are now contained in Title 45 CFR, Part 92.

Attached, for your information, is a copy of the Federal Register, Final Rule, Volume 68, Number 173, dated September 8, 2003. The effective date of this change was October 1, 2003. The final rule does not affect the coverage of any other regulations.

If you have any questions or concerns regarding this matter, please contact Gary Fujii at (916) 464-5177.

Sincerely,

A handwritten signature in cursive script that reads 'Olivia Cortez'.

OLIVIA CORTEZ  
Deputy Director  
Administrative Services Division

Attachment

cc: Dave Oppenheim

Reason for this Transmittal

- ☐ State Law or Regulation Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Change
- ☐ Clarification requested by One or More Counties
- ☒ Initiated by DCSS

Dated: August 28, 2003.

Jeffrey R. Holmstead,  
Assistant Administrator for the Office of Air  
and Radiation.

■ For the reasons stated in the preamble,  
40 CFR part 82 is amended as follows:

## PART 82—PROTECTION OF STRATOSPHERIC ZONE

■ 1. The authority citation for part 82  
continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–  
7671q.

### Subpart A—Production and Consumption Controls

■ 2. In the *Federal Register* of July 18,  
2003, page 42891, third column,  
amendatory instruction 3.c. is corrected  
to read “Adding and reserving paragraph  
(l)(5) and adding paragraph (l)(6)” and  
paragraph (l)(5) in the third column at  
the end of amendatory instruction 3. is  
redesignated as (l)(6).

[FR Doc. 03–22639 Filed 9–5–03; 8:45 am]

BILLING CODE 6560–50–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 45 CFR Parts 74 and 92

#### Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Certain Grants and Agreements with States, Local Governments and Indian Tribal Governments and Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

AGENCY: Department of Health and  
Human Services (HHS).

ACTION: Final rule.

**SUMMARY:** The Department of Health and  
Human Services (HHS) is revising its  
grants management regulations in order  
to bring the entitlement grant programs  
it administers under the same  
regulations that already apply to non-  
entitlement programs for grants and  
cooperative agreements to State, local,  
and tribal governments.

**DATES:** This rule is effective September  
8, 2003. Implementation shall be phased  
in by incorporating the provisions into  
awards made after the start of the next  
Federal entitlement program year.

**FOR FURTHER INFORMATION CONTACT:**  
Marc R. Weisman, Acting Deputy  
Assistant Secretary for Grants and

Acquisition Management, HHS, Room  
336–E, 200 Independence Avenue, SW.,  
Washington, DC 20201; FAX (202) 690–  
6902; Telephone (202) 690–8554. These  
are not toll-free numbers.

#### SUPPLEMENTARY INFORMATION:

##### Background and Purpose

On March 11, 1988, HHS joined other  
Federal agencies in publishing a final  
grants management “common rule”  
which provides a uniform system for the  
administration of grants and cooperative  
agreements, and by subawards  
thereunder, to State, local, and tribal  
governments. Prior to that date,  
administrative requirements for awards  
and subawards under all HHS programs  
were codified under 45 CFR part 74.  
HHS implemented the Common Rule at  
45 CFR part 92. At the time, entitlement  
grant programs of the Social Security  
Act (the Act) administered by HHS and  
the Department of Agriculture were  
excepted from the common rule,  
because it was believed that the States  
operated entitlement programs  
differently than non-entitlement  
programs. Therefore, subpart E was  
reserved in the rule to subsequently  
address provisions specific to  
entitlement programs. Pending the  
publication of subpart E to part 92, the  
HHS entitlement programs have  
remained under part 74. As cited in 45  
CFR 92.4, these programs included:

- (1) Aid to Needy Families with  
Dependent Children (Title IV-A of the  
Act, not including the Work Incentive  
Program (WIN) authorized by section  
402(a)(19)(G));
- (2) Child Support Enforcement and  
Establishment of Paternity (Title IV-D of  
the Act);
- (3) Foster Care and Adoption  
Assistance (Title IV-E of the Act);
- (4) Aid to the Aged, Blind, and  
Disabled (Titles I, X, XIV, and XVI-  
AABD of the Act);
- (5) Medical Assistance (Medicaid)  
(Title XIX of the Act) not including the  
State Medicaid Fraud Control program  
authorized by section 1903(a)(6)(B);
- (6) State Children’s Health Insurance  
Program (Title XXI of the Act); and
- (7) Certain grant funds awarded under  
subsection 412(e) of the Immigration  
and Nationality Act and subsection  
501(a) of the Refugee Education  
Assistance Act of 1980.

Experimental, pilot, or  
demonstrations involving the above  
programs also remained under Part 74.

This rule will expand the scope of 45  
CFR part 92 to include the entitlement  
grant programs cited above and remove  
such programs from the scope of part  
74. Therefore, both entitlement and non-  
entitlement awards to State, local, and

tribal governments will be under the  
same administrative rules. This will  
enable State, local, and tribal grantees  
and other affected parties, such as  
auditors, to use the same administrative  
rules for the vast majority of their  
Federal programs. This action will also  
reduce unnecessary confusion and  
inefficiency in program administration.

On November 15, 2000, HHS  
published a Notice of Proposed  
Rulemaking (Proposed Rule) (65 FR  
68969) as the first step in developing a  
single set of grant and subgrant  
administrative rules for all types of  
organizations operating HHS  
entitlement programs. HHS received no  
comments on the proposed rule.

#### Technical Amendments

##### Section 92.4(a)

HHS is making a technical change in  
§ 92.4(a) to recognize the revisions made  
to the USDA grants management  
regulations at 7 CFR part 3016 bringing  
USDA administered entitlement grant  
programs under the common rule.

#### Regulatory Impact Analysis

##### Executive Order 12866

In accordance with the provisions of  
Executive Order 12866, the Office of  
Management and Budget did not review  
this rule because it is not a significant  
regulatory action as defined in  
Executive Order 12866.

##### Regulatory Flexibility Act

In accordance with the Regulatory  
Flexibility Act (5 U.S.C. 605(b)), the  
Secretary has reviewed this rule before  
publication and, by approving it,  
certifies that it will not have a  
significant impact on a substantial  
number of small entities. This rule does  
not affect the amount of funds provided  
in the covered programs but, instead,  
modifies and updates the administrative  
and procedural requirements.

##### Unfunded Mandates Reform Act

The Department has determined that  
this rule is not a significant regulatory  
action within the meaning of the  
Unfunded Mandates Reform Act of  
1995, 2 U.S.C. 1501, *et seq.*, because it  
will not result in State, local, or tribal  
government expenditures of \$100  
million or more.

##### Paperwork Reduction Act of 1995

The reporting and recordkeeping  
requirements of this rule are the same as  
those required by OMB Circulars A–102  
and A–110 and have already been  
cleared by OMB. Therefore, HHS  
believes this rule will not impose  
additional information collection

requirements on grantees and subgrantees.

#### List of Subjects

##### 45 CFR Part 74

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs, Hospitals, Indians, Intergovernmental relations, Nonprofit organizations, and Reporting and recordkeeping requirements.

##### 45 CFR Part 92

Accounting, Grant programs, Indians, Intergovernmental relations, Reporting and record keeping requirements.

(Catalog of Federal Domestic Assistance number does not apply.)

Dated: July 29, 2003.

Tommy G. Thompson,  
Secretary.

■ For the reasons discussed in the preamble, the Department amends title 45 of the Code of Federal Regulations as follows:

#### PART 74—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR AWARDS AND SUBAWARDS TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, OTHER NONPROFIT ORGANIZATIONS, AND COMMERCIAL ORGANIZATIONS

■ 1. The authority citation for part 74 is revised to read as follows:

Authority: 5 U.S.C. 301.

■ 2. Revise the heading for part 74 to read as shown above.

■ 3. In § 74.1 remove paragraph (a)(3).

#### PART 92—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE, LOCAL, AND TRIBAL GOVERNMENTS

■ 1. The authority citation for part 92 continues to read as follows:

Authority: 5 U.S.C. 301.

■ 2. Revise the heading for part 92 to read as shown above.

■ 3. In § 92.4:

■ a. Paragraphs (a)(3) through (8) are removed and paragraphs (a)(9) and (10) are redesignated as (a)(3) and (4).

■ b. Paragraph (b) is removed and reserved.

■ 4. Remove Subpart E, Entitlement.  
[FR Doc. 03-22513 Filed 9-5-03; 8:45 am]

BILLING CODE 4151-17-P

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 105, 107 and 171

[Docket No. RSPA-03-15372 (RSP-5)]

RIN 2137-AD71

#### Hazardous Materials Regulations: Penalty Guidelines and Other Procedural Regulations

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

**SUMMARY:** In this final rule, we (RSPA) are increasing to \$32,500 and \$275, respectively, the maximum and minimum civil penalties for a knowing violation of Federal hazardous materials transportation law or a regulation issued under that law. We are publishing revised baseline assessments for frequently cited violations to provide the regulated community and the general public with more current information on RSPA's hazardous material penalty assessment process. The revisions to RSPA's baseline penalty assessments consider the increase in the maximum civil penalty to \$32,500. We are also advising the public that, in proposing or assessing a civil penalty, we will not normally consider a prior violation in a case that was initiated in a calendar year more than six years prior to the year in which the current proceeding is initiated.

In addition, we are updating the address to which civil penalty payments must be sent, and we are making editorial changes to our procedural regulations for issuing an administrative determination of preemption.

**EFFECTIVE DATE:** This rule is effective on September 30, 2003.

**FOR FURTHER INFORMATION CONTACT:** John J. O'Connell, Jr., Office of Hazardous Materials Enforcement, (202) 366-4700; or Frazer C. Hilder, Office of the Chief Counsel, (202) 366-4400, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Increase in Maximum and Minimum Civil Penalties

The Federal Civil Penalties Inflation Adjustment Act of 1990 (the Act) as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134) requires each Federal agency to periodically adjust civil penalties it administers to consider the effects of

inflation. (The Act is set forth in the note to 28 U.S.C. 2461.) According to Section 5 of the Act, a maximum civil penalty (or the range of minimum and maximum civil penalties) must be increased based on a "cost-of-living adjustment" determined by the increase in the Consumer Price Index (CPI-U) for the month of June of the calendar year preceding the adjustment as compared to the CPI-U for the month of June of the calendar year in which the last adjustment was made. The Act also specifies that the amount of the adjustment must be rounded to the nearest multiple of \$5,000, for a penalty between \$10,000 and \$100,000, and that the first adjustment to a civil penalty is limited to 10%. Any increased civil penalty amount applies only to violations that occur after the date the increase takes effect.

In a final rule published in the **Federal Register** on January 21, 1997, RSPA increased the maximum civil penalty from \$25,000 to \$27,500 for a knowing violation of the Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, or RSPA's regulations in subchapters A and C of 49 CFR, Chapter I. 62 FR 2970.

Accordingly, we are now increasing the maximum civil penalty by \$5,000, to \$32,500, based on the increase in the CPI-U from June 1997 (160.3) to June 2002 (179.9), or 12.2%, times \$27,500 equals \$3,355, which must be rounded to \$5,000. We have not previously adjusted the \$250 minimum penalty amount specified in 49 U.S.C. 5123(a)(1), so we are increasing the minimum civil penalty by \$25, to \$275, because of the 10% limitation for the first adjustment.

To implement these adjustments, we are amending 49 CFR 107.329 and 171.1(c) to specify that the higher maximum and minimum civil penalties will apply to a violation of the Federal hazardous materials transportation law, a regulation or order issued under that law, or an exemption issued under subpart B of 49 CFR Part 107 that occurs after September 30, 2003. We are also making a similar change to the reference to the maximum penalty in Section IV.C. of Appendix A to Part 107, subpart D.

##### II. Revisions to Civil Penalty Guidelines

RSPA's hazardous material transportation enforcement civil penalty guidelines are published in Appendix A to 49 CFR Part 107, subpart D. These guidelines were first published in the **Federal Register** on March 6, 1995, in response to a request contained in Senate Report 03-150 that accompanied the Department of Transportation and